

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

**CRAYTONIA BADGER
ADC #162710**

PETITIONER

v.

No. 2:19-cv-89-DPM

**DEXTER PAYNE, Director,
Arkansas Division of Correction**

RESPONDENT

ORDER

On *de novo* review, the Court adopts Magistrate Judge Volpe's recommendation, No. 16, and overrules Badger's objections, No. 17 & No. 18. FED. R. CIV. P. 72(b)(3). Magistrate Judge Volpe is correct: there's no indication that the ADC has miscalculated Badger's Arkansas sentence. When Badger completes his Arkansas sentence and he's released to either the Mississippi Department of Correction or the federal Bureau of Prisons, then his new custodian will calculate how much time—if any—remains on that jurisdiction's sentence. If Badger disagrees with that calculation, then he may file a petition for writ of *habeas corpus* in the appropriate Court at that time. But the ADC can't tell another jurisdiction how to calculate its sentence; and it doesn't have to surrender custody of Badger before he's served his Arkansas sentence.

Badger's petition will be dismissed with prejudice. No certificate of appealability will issue. 28 U.S.C. § 2253(c)(1)-(2)

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.

United States District Judge

3 March 2020